

Carlisle Conservation Commission

December 17, 2009

Chair Peter Burn called the meeting to order at 7:40 p.m. in the Clark Room at the Carlisle Town Hall. In addition to Burn, also present were Commissioners Tom Brownrigg, Jen Bush, Kelly Guarino (8:20 p.m.), Debra Kimbrell-Anderson, Tricia Smith and Diane Troppoli and Conservation Administrator Sylvia Willard.

Bog House Repairs: Willard informed the Commission that she and Debbie Geltner of the Land Stewardship Committee had recently met with the Long Term Capital Requirements Committee with regard to the proposal for funding for repairs to the Cranberry Bog House. Willard was encouraged that the Committee appears to recognize that this is a critical need. LTC has requested additional information in order to further consider the request including existing liability exposure and a cost comparison for demolishing vs. repairing the structure.

Land Use Permit Request: The request put forth by Carlisle Resident Barbara Culkins for permission to use a portion of the Greenough Land for the purpose of fencing horses was denied. After consideration of the written request and accompanying diagram, the Commission determined that the enclosure area could be located entirely on private property, thus avoiding setting a precedent in allowing this type of private use of public lands.

8:00 p.m. (DEP 125-0877) Notice of Intent

Applicant: Scott Henderson

Project Location: 511 Brook Street

Project Description: Construction of terraces, retaining walls, steps and walkways within the 100-foot Buffer Zone and the 200-foot Riverfront Area

Burn opened the continued hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. Property owner Scott Henderson acknowledged that he had started work prior to consulting with the Commission because he had been unaware that this would be a requirement. He stated that the work was undertaken as a result of the septic redesign done in 2003, which required removal of an existing retaining wall, steps and walkway. As a result of this work, the front of the house was only accessible via a steep, grassy slope. The property owner stated that the project is being proposed in preparation for putting the property on the market, the sale of which he believes would likely be negatively affected by a denial of the project. A revised Plan was recently submitted as a result of a change requested by the Board of Health, whereby an additional step was required in order to raise the elevation of the walkway by seven inches thereby conforming to the 3 to 1 grade requirement under the BOH regulations.

Abutter Nancy Weiss who was present for the hearing stated that she had discovered a nesting female Blanding's turtle on her property, resulting in the area being classified as Priority Habitat by NHESP. Responding to her concern that the proposed additional construction activity may be detrimental to the nesting turtles, Burn suggested this was a moot point given that most of the work had already been completed. *The hearing was continued to January 14, 2010 at 8:00 p.m. pending the required review by NHESP.*

8:15 p.m. (DEP 125-0875) Notice of Intent, Continued Hearing

Applicant: William Hamilton

Project Location: 491 Maple Street

Project Description: Repair of a failed septic system

Burn opened the continued hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. George Dimakarakos of Stamski and McNary presented the plan for replacing the failed septic system with a Presby System, which he stated has been approved by the Board of Health. The increase in the bedroom count on the original plan, however, had been denied by them. The proposal has also received approval from NHESP, this being a requirement because the project was being proposed in Priority Habitat. *Smith moved to close the hearing for DEP #125-0875. Bush seconded and all attending voted in favor with the exception of Kimball-Anderson, who abstained. Smith moved to issue a Standard Order of Conditions, Bush seconded and all attending voted in favor.*

8:30 p.m. (DEP 125-0878) Notice of Intent

Applicant: Philip Giffie, Neighborhood of Affordable Housing, Inc, (NOAH)

Project Location: 273 South Street

Project Description: Residential community consisting of 26 residential rental units & associated site improvements including drives, parking, stormwater management, on-site septic and water supply

Burn opened the hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. Representing the applicant were Engineers Mark Beaudry and Wayne Keefner of Meridian Associates, who presented a detailed overview of the Plan with the goal of identifying any issues of concern and to facilitate lines of communication in moving forward.

The project includes a single building including 26 affordable housing units, driveway and parking to be located on Parcel 1, with a water supply well, septic system and associated leach field to be located on Parcel 4 of the town owned property. The wetlands had been delineated in 2004 and were the subject of an ORAD extended in January 2007 and due to expire in January 2010. The representative was encouraged to proceed with the process of applying for an extension.

There was a question as to whether the project would involve Riverfront Area. An ORAD issued on the adjacent property in 2002 and now expired, determined that the tributary to Spencer Brook was intermittent. However, because the brook is shown as perennial on USGS maps, the representatives reported having used the accepted methodology for making this determination and were unable to gather the required documentation; therefore, they went under the presumption that it is a Riverfront Area for the filing. A portion of the project is proposed to be located in Priority Habitat and a copy of the filing was been submitted to NHESP as required. The primary concern of NHESP is alteration to upland habitat, especially tree removal. NHESP did not have any objections to the well and septic system being located in the proposed meadow area location on Lot 4, with the only requirement being that there be no barriers from the documented vernal pool to the upland areas.

Issues of concern cited by the Commission included the proposed location of the well and septic system and the associated impact on land uses, particularly with regard to how Zone 1 Restrictions may impact use. The representative agreed to further research the specific limitations and would provide written guidelines from the appropriate authority. It was also noted that the Plan did not include any cross section detail on the proposed well and septic system, with the representative agreeing to provide before and after contours in a revised Plan. When asked about the amount of impervious surface being proposed, the representative stated that he is working with the Fire Department to try to reduce the width of the driveway by possibly adding soft shoulders.

The issue of setting a precedent for using town-owned conservation land for supporting development purposes was also cited for the record. In light of this, the question of whether Lots 2 and 3 were ever considered for the location of the well and septic systems was raised, with the representative stating that the town and their consultant had looked at these locations and found the soils to be more suitable on Lot 4. He also noted that locating the systems on Lot 4 complied with the direction received from NHESP with regard to preserving upland habitat.

It was noted that the Plan includes development in Riverfront Area that is in mapped Priority Habitat, therefore requiring the submittal of a Wildlife Habitat Analysis, which the representative agreed to address.

Willard agreed to meet with Beaudry to review the remaining outstanding issues with the NOI submittal in detail prior to the next meeting. *The hearing was continued to January 14, 2010 at 8:30 p.m. at the applicant's request.*

9:00 p.m. Great Brook Farm State Park Trail Repair: Park Supervisor Steve Carlin was present to discuss the request that had been submitted to the Commission for trail repair to be undertaken in partnership with the Merrimack Valley Chapter of the New England Mountain Bike Association as part of their ongoing Park Boardwalk Repair/Rehabilitation Project. They are requesting permission at this time to make temporary repairs to the Maple Ridge Trail that was subject to extensive flood damage last fall. Carlin cited the benefit of moving forward with this project not only for the benefit of the DCR and visitors, but also for the ski concession. Permission to undertake the work was granted with the condition that the DCR submit a formal filing in the spring in order to proceed with more permanent repair/stabilization measures.

9:15 p.m. Enforcement Order: 779 West Street - Greg Bruell:

Site contractor Jon Storer was present to represent the property owner in the continuing discussion of the terms of the Enforcement order issued on November 9, 2009 for a landscaping project that went forward in violation of the Orders of Conditions. Storer reported having made progress in addressing the Commission's requirements, including retaining Wetland Scientist David Crossman of B & C Associates to prepare a wetland restoration plan, reestablishing the wetland flagging, installing the haybale/siltation barriers and stabilizing the stockpiles as outlined in the Enforcement Order. Addressing the issue of who was responsible for the work, including the construction of the pond, Storer stated that the property owner had done the work himself during the previous summer. When asked about the origination of the large boulders that had been moved into the project area, Storer said he thought they came out of the nearby subdivision over a year ago and had been stockpiled in the front of the property until this past fall.

Moving forward, the representative agreed to provide revised Garden Management Plan and a Wetland Restoration Plan in accordance with the discussion of the December 3 meeting, to be reviewed during a continuing discussion on February 11, 2009.

It was noted that the Commission will hold open the issue of assessing retroactive fines as previously outlined to the applicant and his representatives.

10:10 p.m. Smith moved to adjourn, Brownrigg seconded and all attending voted in favor.

Respectfully submitted,
Mary Hopkins, Administrative Asst.

